IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 5387 of 2007(N)

PETITIONER:

DEEPA RAJ, AGED ABOUT 29,
D/O.RAJAPPAN, D.R.BHAVAN, WEST GATE VAIKOM P.O.,
KOTTAYAM DIST.

BY ADV. SRI.SHAIJU MATHEW
SRI.RRAHESH KUMAR
SMT.A.K.SAJITHA

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT MINISTRY OF LABOUR, SRAMASAKTI BHAVAN, NEW DELHI.

2. HINDUSTAN PAPER CORPORATION LTD., REPRESENTED BY ITS CHIEF EXECUTIVE 75-C PARK STREET, CALCUTTA-16.

3. MANAGING DIRECTOR, HINDUSTAN NEW PRINT LTD., NEWS PRINT NAGAR, VIA VELLUR, KOTTAYAM DIST.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.5387 OF 2007-N.

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Dated this the 19th day of February, 2007.

J U D G M E N T

The petitioner applied for appointment on compassionate grounds under the dying in harness scheme consequent on the death of her mother who was an employee of the 2nd respondent. The mother of the petitioner died on 20-9-1995. As there was no response from the respondents, she along with five others filed O.P.No.14548 of 1999. That petition came up for consideration on 15-9-2006 and this Court as per Ext.P6 judgment disposed of the same observing that the petitioners can approach the respondents once again in which event appropriate decision will be taken by the respondents. It appears that subsequently the petitioner filed a representation before the respondents and the same was considered by the 2nd respondent. The decision taken by the Deputy General Manager of the respondent is produced as Ext.P7.

2. As per Ext.P7, the petitioner is informed that she is not eligible for appointment under the

compassionate scheme for two reasons; (i) On the date of death of her mother, her father was an earning member of the family and therefore she is not entitled to claim compassionate appointment, and (ii) the respondents have dropped Ext.P1 scheme and hence applications filed by the dependents of deceased employees will not be entertained.

3. Counsel for the petitioner submits that the petitioner's case ought to have been considered based on Ext.P1 and the rejection of the claim pointing out subsequent developments is unsustainable.

4. Counsel for the 2nd respondent submits that even assuming that the petitioner's case ought to have been considered under Ext.P1, then also the petitioner cannot make out a case. Learned counsel invites my attention to clause 25.1 of Ext.P1, which says that the benefit of Ext.P1 can be availed only by those who are in immediate need of financial assistance. The petitioner will have to establish that there was no earning member in the family. The petitioner's father was employed in the year 1995. The Apex Court has held

that claim for compassionate appointment made by the dependents of deceased employees cannot be treated as claims against reserved posts and that the benefit of the scheme need be granted only to those who are in dire need of financial assistance to tide over the drop in income due to the sudden death of the sole bread winner of the family.

5. No interference is called for with Ext.P7. The writ petition fails. It is accordingly dismissed.

K.K.DENESAN, JUDGE.

kvs/-